

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PHILIP WONG, et al.,

Plaintiffs,

v.

HSBC MORTGAGE CORPORATION (USA),  
et al.,

Defendants

No. C-07-2446 MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS'  
MOTION TO DISMISS OR,  
ALTERNATIVELY, TO STRIKE RULE 23  
CLASS ACTION ALLEGATIONS**

Before the Court is defendants' "Motion to Dismiss or, Alternatively, to Strike Rule 23 Class Action Allegations," pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure, filed July 19, 2007. Plaintiffs have filed opposition, to which defendants have replied. The matter came on regularly for hearing on August 24, 2007. Bryan J. Schwartz and Donald H. Nichols of Nichols Kaster & Anderson, LLP, appeared on behalf of plaintiffs. Paul R. Lynd and Michelle R. Barrett of Littler Mendelson appeared on behalf of defendants.

Having considered the parties' submissions filed in support of and in opposition to the motion, the arguments of counsel, and for the reasons stated on the record at the hearing, the Court hereby GRANTS in part and DENIES in part the motion, as follows:

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1           1. The Ninth Claim of Relief is DISMISSED without leave to amend to the extent  
2 such cause of action is based on a claim that defendants failed to keep true and accurate  
3 records of hours worked in violation of § 34:11-56a20 of the New Jersey Statutes; and

4           2. In all other respects, the motion is DENIED without prejudice to defendants'  
5 raising the issues presented therein at a later stage of the proceedings.

6           **IT IS SO ORDERED.**

7  
8 Dated: August 24, 2007

  
MAXINE M. CHESNEY  
United States District Judge